

1 **DEPARTMENT OF HEALTH**
2 **MEDICAL QUALITY ASSURANCE**
3 **BOARD OF NURSING HOME ADMINISTRATORS**

4
5 **MINUTES**
6 **GENERAL BUSINESS MEETING**

7
8 **Florida Department of Health**
9 **4042 Bald Cypress Way**
10 **Tallahassee, Florida**
11 **June 7, 2013**
12 **9:00 a.m.**

13
14 Agenda items are subject to being taken up at anytime during the meeting. Participants in
15 this public meeting should be aware that these proceedings are being recorded and that an
16 audio file of the meeting will be posted to the board's website.

17
18 **General Board Business started: 9:01 a.m.**

19
20 **CALL TO ORDER:**

21 Ms. Patricia Freeman, Chair, called the meeting to order at 9:01 a.m. Those present for all or part
22 of the meeting included the following:

23
24 **MEMBERS PRESENT:**

25 Patricia Freeman, Chair
26 Cathy Bracher
27 Jeri Francoeur

28
29 **MEMBERS NOT PRESENT:**

30 Robert Rosenthal, Vice-Chair (excused)
31 Keith Myers (excused)

32
33 **STAFF PRESENT:**

34 Bill Miller, Board Executive Director
35 Sharon Guilford, Program Operations Administrator
36 Michele Jackson, Regulatory Supervisor/Consultant
37 Edith Rogers, Regulatory Specialist II
38 Keri Meany, Regulatory Specialist II

39
40 **BOARD COUNSEL:**

41 Larry Harris, Assistant Attorney General
42 Office of Attorney General

43
44 **COURT REPORTER:**

45 Accurate Stenotype Reporters
46 (850) 878-2221

47
48 **APPROVAL OF MINUTES:**

49
50 **April 30, 2013 – Telephone Conference Call**

1
2 **Ms. Francoeur moved to approve the above minutes. This motion was carried out 3/0.**

3
4 **General Board Business ended: 9:05 a.m.**

5 **Applications started: 9:05 a.m.**

6
7 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

8
9 **Brandon Richard Dresser – NHA**

10
11 Mr. Dresser and Mr. Tyler Sununu (supervisor) were present, sworn and addressed the
12 board.

13
14 Ms. Freeman addressed the board regarding Mr. Dresser's application.

15
16 Mr. Dresser requested the board to accept the withdrawal of his application.

17
18 **Ms. Francoeur moved to accept Mr. Dresser's request to withdraw his application.**
19 **The motion was seconded and carried 3/0.**

20
21 **Maria L. Phelan – NHA Exam**

22
23 Ms. Phelan was present but was not represented by counsel.

24
25 Ms. Freeman provided an overview of Ms. Phelan's application and the additional
26 information submitted by Ms. Julie Anderson with Wuesthoff Progressive Care Center
27 that was requested at the April 30, 2013 meeting.

28
29 The following action was taken.

30
31 **Ms. Freeman moved to accept Ms. Phelan's application for licensure. The motion**
32 **was seconded and carried 3/0.**

33
34 **Ian Sahadeo– NHA Exam**

35
36 Mr. Sahadeo was present but was not represented by counsel.

37
38 Ms. Freeman provided an overview of the application.

39
40 The board addressed Mr. Sahadeo's application and the following action was taken.

41
42 **Ms. Francoeur moved to deny the applicant for failure to meet the one year of**
43 **managerial experience. The motion was seconded and carried 3/0.**

44
45 **Kellie Lynn Wilson – NHA Exam**

46
47 Ms. Wilson was present and addressed the board.

1 The board addressed Ms. Wilson's application and determined that there are
2 discrepancies regarding the Organizational Chart from Grand Manor.

3
4 **Ms. Freeman moved to accept the applicant's application. The motion was**
5 **seconded and carried 3/0.**

6
7 **Claudette A. Evans – 1,000 Hour AIT**

8
9 Ms. Evans was neither present nor represented by counsel.

10
11 The board addressed Ms. Evans application and the following action was taken:

12
13 **Ms. Francoeur moved to deny the applicant for failure to meet the licensure**
14 **requirements outlined in Chapter 468.1695, Florida Statutes. The motion was**
15 **seconded and carried 3/0.**

16
17 **RATIFICATION OF LICENSURE:**

- 18
19
 - **Nursing Home Administrators**
20 **(Brian Max Kuell, NHA 5398 – Cortney Marie Hobgood, NHA 5427)**

21
22 **Ms. Francoeur moved to approve the ratification list as presented. The motion was**
23 **seconded and carried 3/0.**

- 24
25
 - **Examination**
26 **(Laura J. Beard – Joni Beth Mauritz)**

27
28 **Ms. Francoeur moved to approve the ratification list as presented. The motion was**
29 **seconded and carried 3/0.**

- 30
31
 - **Administrator-in-Training**
32 **(Walter L. Concepcion – Shenika Louann Ray)**

33
34 **Ms. Bracher moved to approve the ratification list as presented. The motion was seconded**
35 **and carried 3/0.**

- 36
37
 - **Preceptors**
38 **(Danny Davis – Lois Petty)**

39
40 **Ms. Francoeur moved to approve the ratification list as presented. The motion was**
41 **seconded and carried 3/0.**

42
43 **Ms. Francoeur moved to adjourned the meeting at 9:35 a.m. to conduct the Rules**
44 **Hearing Meeting on 64B10-11.002, F.A.C.**

45
46 **Applications ended: 9:35 a.m.**

47 **Rule Hearing on Rule 64B10-11.002, F.A.C., started: 9:37 a.m.**

1 **BOARD COUNSEL’S REPORT:**

- 2
- 3 • **Rule Hearing Request – Leading Age Florida – Rule 64B10-11.002, F.A.C.**
4 **Examination for Licensure**

5

6 Mr. Harris provided an overview of the process and procedures.

7

8 Ms. Rigsby and Berkowitz addressed their concerns regarding the drafted language in
9 Rule 64B10-11.002(2)(a)1, F.A.C., relating to “...internship of at least 650 hours...”.

10

11 The drafted language reads:

12

13 Completed a college-affiliated or university-affiliated internship of a least 650
14 hours with a Board-approved preceptor in a skilled nursing facility that has at
15 least 60 beds...

16

17 Ms. Freeman stated that the board needed to set a minimum number of hours of
18 internship training because several schools have been offering programs that were less
19 than 60 hours.

20

21 Ms. Rigsby also addressed the drafted language in Rule 64B10-11.002(2)(b)2, that reads:

22

23 Has one year of direct management experience that was not in a training program
24 or internship. The applicant must approve that he or she-by performed performing
25 in the role of an executive management, performing the same duties and skills,
26 expected of a Florida licensed nursing home administrator including, at a
27 minimum, the primary direction of al facility department of:

28

29 Ms. Rigsby stated that it appears that the drafted language may limit someone in become
30 licensed in Florida.

31

32 Mr. Harris stated that JAPC did not have any problems with the drafted language;
33 however, they did have concerns with the “direct” management.

34

35 Ms. Bracher recommended “direct supervising” management.

36

37 The members and associations appeared to be receptive to the change.

38

39 Ms. Rigsby also commented on the length of time before the “applicants presented for
40 board review” can be reviewed by the board. She suggested having more telephone
41 conference calls by allowing the applicants to know whether they will be denied, or
42 approved to take the examination.

43

44 Mr. Harris recommended the board to allow written comments within 14 days. This will
45 allow the board members to make the decision in moving forward, making changes, or
46 taking no action.

1 Mr. Harris stated that he contacted JAPC and has tolled the rule for 90 days and to
2 discuss the comments at the next meeting.

3
4 **Ms. Bracher moved to allow public comments for a period of 14 days. The motion**
5 **was seconded and carried 3/0.**

6
7 **Ms. Bracher moved to adjourn at 10:17 a.m. The motion was seconded and carried**
8 **3/0.**

9
10 **Rule Hearing ended: 10:17 a.m.**

11 **Meeting break: 10:19 a.m. until 10:30 a.m.**

12
13 **General Board Business started: 10:30 a.m.**

14
15 **CHAIR/VICE-CHAIR REPORT:**

16
17 No report.

18
19 **Future Agenda Items: (continued)**

20
21 CE Rule – 64B10-15, F.A.C.

22
23 **For Discussion: Definition of “one year management experience”**
24 **Discussion of Section 468.1695, Florida Statutes**

25
26 Ms. Freeman requested from the LeadingAge Florida and the Florida Health Care
27 Association whether the public had concerns with the drafted language.

28
29 Ms. Rigsby and Ms. Berkowitz stated that the associations believed that it should not be
30 their responsibility but the board’s.

31
32 Mr. Harris indicated that the statute possibly did not need to be modified.

33
34 **EXECUTIVE DIRECTOR’S REPORT:**

35
36 Mr. Miller provided an overview of his experience.

37
38 **Overview of CE @ Renewal**

39
40 Mr. Miller provided a brief comment regarding CE renewal and introduced Ms. Garnet
41 Nevels, Government Operations Consultant with the Bureau of Operations, provided an
42 overview of the CE @ Renewal process. She also stated that a press release will be sent
43 and a webinar will be provided to the licensees and the continuing education providers.

44
45 **BOARD COUNSEL’S REPORT:**

1 **Rules Status Report**

2
3 Mr. Harris provided an overview of the Rules Status Report.

- 4
5 • **Rule Hearing Request – Leading Age Florida – Rule 64B10-11.002, F.A.C.**
6 **Examination for Licensure**
7 • **Discussion of Rule Hearing to Rule 64B10-16.002, F.A.C. – Preceptor**

8
9 **Rule 64B10-15.001 – Continuing Education**

10
11 Mr. Harris provided an overview of the Joint Administrative Procedure Committee
12 comments.

- 13 • Statutory references – Sections 456.033 and 468.1725, F.S., neither statutory
14 provision appears to be directly applicable to the substance of Rule 64B10-
15 15.001, F.A.C.
16 • Concern with the new subpart (8), relating to Continuing Education hours for
17 participation on a probable cause panel.

18
19 Mr. Harris recommended the board to strike the two statutory references “Sections
20 456.033 and 468.1725, F.S.” He also recommended the board to accept the following
21 changes to Rule 64B10-15.001(8), F.A.C., which will exclude current board members
22 and comply with Section 456.013(6), F.S.:

23
24 (8) Former Board members who serve on probable cause panels shall receive a
25 maximum of 12 hours of continuing education credit pursuant to subpart (6)(c), in
26 the Laws, Regulatory Codes and Governing Boards domain of practice, for each
27 full or partial biennium served on the probable cause panel.

28
29 **Ms. Francoeur moved to publish a Notice of Change to strike statutory references**
30 **Sections 456.033 and 468.1725, F.S. and to modify the drafted language Rule 64B10-**
31 **15.001(8) as indicated. The motion was seconded and carried 3/0.**

- 32
33 • **Annual Regulatory Plan**

34
35 Mr. Harris provided an overview of the Annual Regulatory Plan and requested the board
36 to approve the Annual Regulatory Plan as presented.

37
38 **Ms. Bracher moved to approve the Annual Regulatory Plan. The motion was**
39 **seconded and carried 3/0.**

40
41 **The meeting was adjourned for lunch: 11:33 a.m.**

42
43 **The meeting reconvened: 12:34 p.m.**

44 **Applications started: 12:34 p.m.**

45 **APPLICANTS PRESENTED FOR BOARD REVIEW: (continued)**

46

1 **Scott E. Ariel – NHA Exam**

2
3 Mr. Ariel was present, sworn but was not represented by counsel.

4
5 Discussion ensued.

6
7 Mr. Harris stated that Mr. Ariel was under oath and the board could consider his
8 testimony as evidence of his work experience.

9
10 Mr. Ariel addressed the board.

11
12 Ms. Freeman stated that it did not appear from his application that it was two different
13 facilities.

14
15 Further discussion ensued.

16
17 **Ms. Bracher moved to accept the applicant due to his testimony of his work**
18 **experience. The motion was seconded and carried 3/0.**

19
20 **Applications ended: 12:54 p.m.**

21 **General Board Business started: 12:54 p.m.**

22
23 **COMMITTEE REPORTS:**

24
25 **AIT/Preceptor – Ms. Freeman/Mr. Myers/Mr. Rosenthal**

26
27 Ms. Freeman provided an overview of her report.

28
29 **Budget – Mr. Myers**

30
31 Ms. Freeman provided an overview of the Budget Report on behalf of Mr. Myers.

32
33 **Continuing Education – Ms. Bracher**

34
35 Ms. Bracher updated the board on the current audit for the continuing education courses.
36 She stated that the finalized review of the audit should be ready by the next scheduled
37 meeting.

38
39 **Providers and Courses Approved by CE Committee**

40
41 **Ms. Francoeur moved to approve the ratification list of providers and courses**
42 **approved by the CE Committee. The motion was seconded and carried 3/0.**

43
44 **Providers and Courses Approved by Staff**

45 **Ms. Francoeur moved to approve the ratification list of providers and courses**
46 **approved by the Board Staff. The motion was seconded and carried 3/0.**

1
2 **Credentials – Ms. Freeman**

3
4 • **Update – Juan R. Hurtado – Current AIT**

5
6 Ms. Freeman provided an update to Mr. Hurtado's third quarterly report. She indicated
7 that the third quarterly report was accepted and that he only has one year to complete the
8 program.
9

10 **Disciplinary Compliance – Ms. Francoeur**

11
12 No report.
13

14 **Examination/NAB – Ms. Freeman**

15
16 No report.
17

18 **Legislation – Mr. Myers**

19
20 No report.
21

22 **Probable Cause – Mr. Rosenthal**

23
24 **Stats**

25
26 Information only.
27

28 **Rules – Ms. Bracher**

29
30 No report.
31

32 **Unlicensed Activity – Ms. Francoeur**

33
34 No report.
35

36 **PROPOSED 2014 MEETING DATES:**

37
38 The board staff recommended the meeting dates for 2014 as follows: January 31, May
39 16, and September 19.
40

41 The board concurred.
42

43 The board recommended the meetings to be held in Orlando or Tampa.
44

45 **ELECTION OF OFFICERS:**
46

1 **Ms. Francoeur made a motion to nominate Ms. Freeman as Chair. The motion was**
2 **seconded and carried 3/0.**

3
4 **Ms. Francoeur made a motion to nominate Mr. Rosenthal as Vice-Chair. The**
5 **motion was seconded and carried 5/0.**

6
7 **COMMITTEE ASSIGNMENTS:**

8
9 **Ms. Freeman made the following committee assignments:**

10
11 Credentials Committee - tabled until next meeting

12 Legislation Committee - Jeri Francoeur

13
14 **Next Agenda Item: (continued)**

15
16 Ms. Rigsby addressed the following:

- 17
18 • NHA examination questions were not in compliance with current statutes.
19 • AIT application for next agenda – reviewing the questions and the entire forms
20 which includes the Preceptor form requesting the Preceptor # C

21
22 Discussion ensued.

23
24 Ms. Freeman requested the AIT application to be on the next agenda. She also wanted to
25 know how the board could work with the department to ensure the state examination
26 questions were up-to-date.

27
28 Ms. Guilford stated that Ms. Freeman, Chair-Examination Committee, could work with
29 the Bureau of Operations, Testing Services, to assist in resolving the board's concerns.
30 Therefore, she stated that she will send Ms. Freeman the contact information by email.

31
32 **NEXT MEETING DATE:**

33
34 **October 11th – Ft. Lauderdale**

35
36 **General Board Business ended: 2:00 p.m.**

37
38 **ADJOURNMENT:**

39 The meeting was adjourned at 2:00 p.m.